

THE HOWARD HUGHES CORPORATION, * BEFORE THE
PETITIONER * PLANNING BOARD OF
* HOWARD COUNTY, MD
PLANNING BOARD CASE NO. 392 *

* * * * *

DECISION AND ORDER

On April 12, 2012, the Planning Board of Howard County, Maryland, in accordance with Section 125.E.4 of the Howard County Zoning Regulations, held a public hearing to consider the petition of The Howard Hughes Corporation for approval of a Final Development Plan for Downtown Revitalization (FDP-DC-Warfield-1, Warfield Neighborhood Phase 1, Parcels C & D) for the development of mixed use residential and retail, including a total of 817 multi-family residences and 76,098 square feet of retail (including restaurant uses) on 10.23 acres of land zoned New Town (NT) and designated as Downtown Mixed Use Area per the Downtown Columbia Plan, and for the approval of land for the use of a temporary parking lot on 2.59 acres zoned New Town (NT) and designated as Downtown Mixed Use Area per the Downtown Columbia Plan. The subject sites are located on the south and east side of Broken Land Parkway in the Fifth Election District of Howard County, Maryland, identified as Tax Map 36, Grid 1, Parcel 382, Parcels C and D, and west of Little Patuxent Parkway and south of Governor Warfield Parkway on the east side of the Mall Entrance Drive also in the Fifth Election District of Howard County, Maryland, identified as Tax Map 36, Grid 1, Parcel 460, Lot 39. As part of this petition for Downtown Revitalization, the Planning Board also considered for approval the Warfield Neighborhood Concept Plan, the Warfield Neighborhood Specific Design Guidelines and the Warfield Neighborhood Specific

Implementation Plan as proposed by the Petitioner in accordance with Section 125.E.3 of the Zoning Regulations.

The notice of the public hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record of the case.

Pursuant to the Planning Board's Rules of Procedure, the reports and official documents pertaining to the Petition were incorporated into the record of the hearing, including the proposed Final Development Plan (FDP-DC-Warfield-1), the proposed Warfield Neighborhood Concept Plan, the proposed Warfield Neighborhood Design Guidelines, the proposed Warfield Neighborhood Implementation Plan, the Howard County Code, the Downtown Columbia Plan (a General Plan Amendment), the Howard County Zoning Regulations, the Downtown-wide Design Guidelines, the Adequate Public Facilities Act, the Howard County Design Manual (Volume 3, Chapter 4), the Howard County Sign Ordinance, the Technical Staff Report of the Department of Planning and Zoning, and the reports of the responding reviewing agencies. In addition, the March 30, 2012 letter from Howard Hughes Corporation responding to Subdivision Review Committee and Planning Board Criteria Comments was incorporated into the record as Petitioner's exhibit 3. A list of exhibits introduced into evidence by the Petitioner at the hearing is attached to this Decision and Order as Attachment 1. Also included on Attachment 1 is a list of Protestant Exhibits.

Todd Brown, Esq., represented the Petitioner, the Howard Hughes Corporation.. Three people expressed concerns about the petition and two people testified in support of the petition. After careful evaluation of all the evidence accepted into the record, the Planning Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Jill Manion-Farrar of the Department of Planning and Zoning ("DPZ") summarized DPZ's Technical Staff Report, which found conformance of the proposed Plans and Neighborhood Specific Design Guidelines with the Downtown Columbia Plan and the Downtown-Wide Design Guidelines and recommended approval of the proposed Final Development Plan, FDP-DC-Warfield-1, the proposed Warfield Neighborhood Concept Plan, the proposed Warfield Neighborhood Design Guidelines, and the proposed Warfield Neighborhood Implementation Plan, as submitted, subject to compliance with the Subdivision Review Committee (SRC) comments.

In response to a question by Planning Board Chairperson David Grabowski, Marsha McLaughlin, Planning Director, explained that CEPPA #6 requires that prior to the approval of the first Final Development Plan, Howard County and the Howard Hughes Corporation "jointly determine the functions, organization structure, implementation phasing schedule,... and the projected funding needs of the Downtown Columbia Partnership prior to the establishment of this Partnership", and that this joint determination has been substantially completed in the form of a bill, with which Howard Hughes Corporation substantially agrees, which will be introduced in June, 2012 for County Council approval, and that CEPPA #6 must be completed prior to the issuance of the first building permit (p. 83 of the Downtown Columbia Plan).

The Planning Board finds that the Department of Planning and Zoning's evaluations, findings and conclusions that the Petitioner met the criteria for approval of the Final Development Plan pursuant to Section 125E.4. of the Zoning Regulations, based on its submissions and modifications pursuant to Section 125E.3. of the Zoning Regulations, to be convincing and persuasive, and adopts DPZ's report as its own in making the findings of fact and conclusions contained in this decision.

2. Mr. John DeWolf, Senior Vice President of the Howard Hughes Corporation testified first for the Petitioner. He testified that the Howard Hughes Corporation is committed to Downtown Columbia revitalization, and agrees with the Downtown Columbia process and the Downtown Columbia Plan.

3. Mr. Christopher Streb, an Environmental Engineer with Biohabitats, testified next for the Petitioner. Mr. Streb testified as to his familiarity with the sustainability goals for Downtown Columbia, noting that Biohabitats authored the Sustainability Framework on which the Sustainability Guidelines outlined in the Downtown-wide Design Guidelines are based. Mr. Streb also testified that the FDP subject area has no environmental features and was previously mass graded, and so the improvements made with the proposed project will actually restore ecological functioning.

In response to a question from Planning Board member Paul Yelder, regarding the goals of multi-modal options, accessibility and walkability, and whether it would be effective since there is nowhere to walk due to a limited network, Mr. Streb responded that this project area represents the first step to create a viable pedestrian network.

In response to a question from Ms. Louise Hsu, Mr. Streb explained that the environmental impacts on the existing residents living adjacent to the Mall during construction activities were not studied and suggested this question and the duration of the construction period are questions which would be better answered at the Site Development Plan stage of the proposed development.

4. Ms. Cecily Bedwell, Senior Associate at Design Collective, testified as to her familiarity with the Downtown Columbia Plan, and her familiarity and role with the proposed Warfield Neighborhood Concept Plan, the proposed Warfield Neighborhood Design Guidelines and the proposed Neighborhood Implementation Plan. Ms. Bedwell testified as to the comparison between the proposed Warfield Neighborhood Concept Plan, Neighborhood Specific Design Guidelines and the Neighborhood Specific Implementation Document and the Downtown Columbia Plan Street and Block Plan, the Downtown

Columbia Plan Maximum Building Height Plan, the Downtown Columbia Plan Bicycle and Pedestrian Circulation Plan and the Downtown Columbia Plan Primary Amenity Space Framework Diagram (Petitioner's exhibits 9 through 13 respectively), testified regarding the overall vision for the Warfield Neighborhood and summarized design modifications from the Downtown Columbia Plan to the street and block configuration, pedestrian and bicycle circulation, building heights, and amenity spaces. These modifications are summarized in DPZ's Technical Staff Report (pages 6 and 7) as follows:

- a. The Neighborhood Plan: In the Downtown Columbia Plan Exhibit E, the boundary of the Warfield Neighborhood includes the existing bank building located between the existing LL Bean and the Restaurant Building. The Petitioner has excluded this building from the neighborhood. The Department of Planning and Zoning concurs including it in the Mall Neighborhood, since it operates within Mall management;
- b. The Street and Block Plan and Primary Amenity Space Framework Diagram: Blocks W-6 and W-7 were combined into one larger block in order to provide greater flexibility in siting a building or buildings. The streets in this area were also reconfigured from what was originally shown in the Downtown Columbia General Plan. The Design Guidelines indicate that a pedestrian connection, alley or service drive will bisect this combined block in order to maintain block and building length requirements. This reconfiguration also caused a slight modification to the layout of Warfield Plaza, which now expands more directly off of the existing LL Bean Plaza, and Warfield Square; which has been moved within block W-8. However, these modifications still provide the opportunity for Warfield Plaza and Warfield Square to be linked by closing the road between them, creating a pedestrian zone for special events, as suggested in the Downtown Columbia Plan (Modifications are discussed on Pages 12 and 78 of the Warfield Neighborhood Design Guidelines).

- c. **Street Framework Diagram:** In addition to a reconfiguration of the streets around Blocks W-6 and W-7, the Petitioner has also reorganized the hierarchy of road classifications for better form and function. Twin Rivers Road Extended is now classified as a street right through to the Warfield Plaza/Mall Area rather than an avenue in order to facilitate increased walkability. Conversely, the street between blocks W-1 and W-2 is an avenue. An additional right-of-way street section, Avenue Type 4, is proposed in order to improve functionality (Modifications are fully discussed on Pages 27-28 of the Warfield Neighborhood Design Guidelines and street cross sections are found on Pages 35-37).
- d. **The Maximum Building Heights Plan:** The Petitioner has revised two of the maximum building heights, both interior to the neighborhood. Block W-4 adjacent to the mall had a maximum height of 7 stories in the Downtown Columbia Plan and is proposed as 4 stories on this neighborhood Concept Plan. Conversely the area containing Block W-7 was revised from 4 stories to 7 stories on the Neighborhood Concept Plan (Modifications are described on Pages 18-19 of the Warfield Neighborhood Design Guidelines). These changes conform with the Downtown Columbia Plan policies, development patterns, land uses and densities and intensities.
- e. **The Bicycle and Pedestrian Plan:** The Primary Bicycle network was slightly modified to remove primary circulation from the Mall Ring Road (Road B) to Warfield Plaza. However, more direct connections are in place in surrounding right-of-ways for higher speed bicycle traffic, and bicycle traffic will still be supported with sharrows lanes that provide pavement markings for support of bicycle traffic within a lane shared with vehicular traffic. The Primary Pedestrian Network was also modified to connect Warfield Square with Warfield Green adjacent to the Mall and to expand the primary pedestrian network to include the Warfield Mews Downtown Community Commons area.

Ms. Bedwell testified that this area of the Warfield neighborhood was a point of transition between the retail center/Mall and the residential uses will be more dominant at the edge, and that the amenity spaces acted as hubs of interaction. As to the proposed shift in the blocks and amenity spaces' location, she indicated that this consolidation made these areas more usable and builds on the existing L.L. Bean plaza. Ms. Bedwell testified that the proposed uses were in harmony with the existing and planned vicinal uses, that the plan would help to create a new front to the Downtown and a new edge for pedestrian use.

Ms. Bedwell testified that these modifications do not affect the conformance of the Neighborhood Design Guidelines, Neighborhood Implementation Plan, and the Neighborhood Concept Plan with the Downtown Columbia Plan, and that these documents would not make the proposed development be detrimental to the Downtown Columbia Plan design concepts. She also testified that the proposed plans, with the proposed modifications, meet the Criteria for Planning Board Approval per Section 125.E.4 of the Zoning Regulations.

Ms. Bedwell testified that the shift of the 4 story and 7 story buildings resulted in the concealing of parking and the maintenance of desirable transitions, with the 4 story building being adjacent to existing residential development, and the 7 story building being in conformance with the Downtown Columbia Plan Building Height Plan.

Ms. Bedwell testified that the Neighborhood Specific Design Guidelines built upon the Downtown-Wide Design Guidelines, carried them forward and made them much more definitive for this neighborhood. Ms. Bedwell also testified that the proposed balance of uses in the Warfield neighborhood was mixed-use with more residential just as the Downtown Columbia Plan envisioned. Ms. Bedwell also testified that Downtown Arts and Cultural Uses could be located within the proposed amenity spaces.

In response to a question by Planning Board member Bill Santos, Ms. Bedwell affirmed that the Neighborhood Design Guidelines proposed periodic closure of the extended section of Twin Rivers Road in the area of Warfield Plaza and the street along the existing restaurant corridor to Warfield Square for street festivals. Ms. Bedwell also clarified that while Blocks W-6 and W-7 are proposed to be consolidated to provide more programming flexibility, the block length standards instituted to facilitate pedestrian movement must be maintained per the Guidelines and therefore either a pedestrian corridor or service drive will be required within the consolidated block.

In response to a question by Planning Board member Josh Tzucker, Ms. Bedwell affirmed that the goal is to reduce traffic speeds in this area to 15 to 20 MPH, and explained that creating a worthwhile destination, relegating parking to the periphery, increasing residential and non-residential density, and making driving more difficult within the core areas all help to foster the creation of a walkable community.

Ms. Bedwell, in response to Mr. Santos' question, regarding why Block W-4 is listed in the Neighborhood Implementation Plan as being 33,360 square feet and is estimated to receive 13,200 square feet of retail, explained that this block is envisioned to incorporate bump outs to the existing Mall framework and will only accommodate a small retail building.

In response to a question by Ms. Hsu as to what types of retail uses are preferred near existing residential neighborhoods, Ms. Bedwell responded that the goal is to balance the existing surrounding uses with the proposed uses, so that restaurant uses would more likely be located nearer existing restaurants. Ms. Bedwell also responded to Ms. Hsu that parking will be fully detailed on the Site Development Plan with the goal to have parking located internal to the block.

5. Mr. Mike Trappen, P.E., an Associate at Gutschick, Little and Weber, testified as to his role in the preparation of the Final Development Plan and Neighborhood Concept Plan. Mr. Trappen affirmed

each plan's conformance with the Downtown Columbia Plan and explained how the Final Development Plan conforms to the required Neighborhood Documents and essentially links the Plan with the other required planning Neighborhood Documents. Mr. Trappen then testified to the granted APFO allocations and that the project has passed the open/closed school test, as indicated by the APFO Allocation letter from Jeff Bronow of DPZ (Petitioner's exhibit 15). Mr. Trappen confirmed that there were no environmental features on Parcels C and D.

In response to a question by Mr. Tzucker, Mr. Trappen explained that the intensity of development activity during the development period and its impact on the adjoining neighborhood would be better addressed at the Site Development Plan stage of development.

In response to a question by Mr. Richard Talkin, Esquire, as a representative of the Lakefront American Joint Venture, LLP, LPP Investors, LLC, and Guardian Realty Fun II – Columbia Associates LLC and One Mall, LLC, Mr. Trappen responded that if the temporary parking lot that will be proposed on Lot 39 is to be paved, it would have to be proposed on a Site Development Plan, and could be addressed at that time.. Mr. Talkin then provided general support for the Final Development Plan and the Downtown Columbia Plan.

6. Mike Workosky, Traffic Engineer at Wells & Associates, provided an explanation of the findings of the Traffic Study submitted on March 12, 2012 with the Final Development Plan. Mr. Workosky affirmed that the project has met APFO requirements.

7. Mr. Robert Jenkins, Vice President of Development for Howard Hughes Corporation testified as the last witness for Petitioner and testified as to Exhibits 18-23 which were entered into the record. Mr. Jenkins testified as to how the Final Development Plan conforms with the CEPPAs (Community Enhancements, Programs and Public Amenities) that are currently required to be fulfilled as detailed in the Downtown Columbia Plan, including the required environmental studies (CEPPA #1), the preparation

of Downtown sustainability guidelines (CEPPA #2), the study of a 3rd interchange at Route 29 and the existing pedestrian bridge over Route 29 (CEPPA #3), the preparation of Downtown-wide Design Guidelines (CEPPA #4), the feasibility studies for the north-south collector road, a new downtown transit center, the downtown circulator shuttle (CEPPA #5), and agreement with the County of the functions, structure, phasing, and funding of the Downtown Partnership (CEPPA #6). Mr. Jenkins also testified as to how the Final Development Plan will meet the criteria for affordable housing through the initial funding of the Downtown Columbia Housing Fund, and how land intended for common, quasi-public amenity use and public art that is not publicly owned will be governed through a reciprocal agreement dated December 1, 1970 and recorded as Liber 552, Folio 380, which was entered into the record as an official document.

8. Linda Wengel, as a representative for the Town Center Community Association, read, a letter from the Town Center Community Association (Protestant Exhibit #1) into the record stating that while the Association is generally eager to see Downtown Columbia development begin, it is concerned that there is not appropriate amount of coordination between the plans for the Warfield Neighborhood and the Mall. She testified that the Town Center Community Association is also concerned that modifications to the Street Framework plan from the Downtown Columbia Plan and Downtown-wide Design Guidelines ignore the reality of heavy traffic on Mall Ring Road on weekends and holidays, and questioned the validity of a traffic study that did not include analysis of weekend traffic although she acknowledged that she agreed that the traffic study was performed according to Howard County's standards. She also testified to the Association's support for additional traffic signals at the intersection of Windstream Drive Extended and Mall Ring Road and expressed concern about the delay of traffic signal installation. She also testified as to the Association's concern regarding the temporary parking lot proposed for Lot 39,

including the timeframe of its existence and what development standards will be applied to its construction.

9. Joan Lancos testified in favor of the Downtown Columbia Plan and the Warfield Final Development Plan and looks forward to increased walkability.

10. Russ Swatek testified that he would like to see Howard Hughes Corporation and General Growth Properties work cooperatively and would like to have a dog park in Downtown Columbia.

11. The Board finds that the Petitioner has established that its proposed Final Development Plan satisfies all the criteria of section 125E.4.a. through o., and the Board makes the following findings of fact on these criteria based on the evidence in the record, including the evaluations, findings and conclusions of the DPZ as contained in its Technical Staff Report, which the Board adopts as its own, as provided below:

a. The Downtown Neighborhood Concept Plan, the Warfield Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan ("the Neighborhood Documents") conform with the Downtown Columbia Plan, including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan based on the testimony of Ms. Bedwell as summarized in finding of fact 4, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. The Board finds that the proposed changes to the Neighborhood Documents will not be detrimental to the overall design concept and phasing for Downtown Revitalization based on the testimony of Ms. Bedwell as summarized in finding of fact 4, petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. In particular, the Board finds that the proposed changes in the building heights conform to the Downtown Columbia Plan and

Maximum Building Heights Plan because they are compatible with the character and height of nearby existing and planned development, redevelopment and open spaces in the area based on the same information noted above. The Board also finds, based on the same above information, that the maximum building height proposed for all properties within the boundaries of the Final Development Plan is 7 stories, in conformance with the Downtown Columbia Plan.

The Board makes all of these findings in recognition of the fact that pursuant to Section 125E.3.a. of the Zoning Regulations that the Neighborhood Documents are only binding on property included within the boundaries of Final Development Plan FDP-DC-Warfield-1, and only provides a context for evaluation of the initial FDP and guidance for future FDP petitions.

The Board also makes its findings of conformance for this criterion of FDP decision-making based on the requirements of Section 125A.2.b.(1)-(6) of the Zoning Regulations.

In particular, the Board finds that the consolidation of Blocks W-6 and W-7 with a pedestrian connection bisecting the block is in keeping with the Downtown Columbia Plan, and that the reconfiguration of the streets and amenity spaces promoted a “park once” approach that facilitates pedestrian movement, and that the amenity spaces would be augmented and are also in conformance with the Downtown Columbia Plan. The Board also noted the road changes would reduce vehicular travel lanes and promote increased bicycle movement, although the Board noted that incorporation of bike lanes inside parallel parking or bollards in future submissions was encouraged to increase biker safety.

b. The Warfield Neighborhood Design Guidelines, which were modeled after the Downtown-Wide Design Guidelines but with the changes as noted in the DPZ Technical Staff Report, offer sufficient detail regarding urban design, block standards, street design, architectural design, amenity area design, green building and site design, pedestrian and bicycle circulation features, and

signage that will guide the appearance of the neighborhood over time and promote design features that are achievable and appropriate for Downtown Revitalization based on the testimony of Ms. Bedwell as summarized in finding of fact 4, the Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. The Board makes these findings, after considering the Design Advisory Panel's recommendations and Petitioner's incorporation of those recommendations, as noted in Attachment C to DPZ's Technical Staff Report.

c. This Final Development Plan conforms with the Neighborhood Concept Plan, Neighborhood Design Guidelines, and Neighborhood Implementation Plan submitted with this Final Development Plan, which provide a context for evaluation but are only binding on properties within the boundaries of the Final Development Plan, FDP-DC-Warfield-1. The Final Development Plan conforms with the Revitalization Phasing Plan, and the Downtown Community Enhancements Programs, and Public Amenities (CEPPA) Implementation Chart. All CEPPAs (#1-6) have been fulfilled as required prior to the approval of the first Final Development Plan. CEPPA #6 is in progress, and legislation is being prepared regarding the agreement of the functions, organizational structure, implementation phasing and funding of the Downtown Partnership, which must be established prior to the issuance of the first building permit per the Downtown Columbia Plan. The Board makes these findings based on the testimony of Mr. Trappen as summarized in finding of fact 5 and of Mr. Jenkins as summarized in finding of fact 7, Petitioner's Exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

d. The Final Development, in context with the surrounding planned and existing development, provides a balanced mix of housing, employment and commercial and arts and cultural uses throughout each phase based on the testimony of Ms. Bedwell as summarized in finding of fact 4, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

e. The Final Development Plan satisfies the affordable housing requirement through installment two payments of \$1.5 million each for the funding of the Downtown Columbia Community Housing Fund as required by CEPPAs #10-11, and will assure that each development and owner within the project area will make the applicable one-time payments required by CEPPA #26 and annual payments required by CEPPA #27 based on the testimony of Mr. Jenkins as summarized in finding of fact 7, Petitioner's exhibits and DPZ's technical Staff Report.

f. The Final Development Plan's proposed bicycle and pedestrian features provides the first installment of a network that will create convenient connections throughout the development and to the existing network based on the testimony of Mr. Trappen as summarized in finding of fact 5 and of Mr. Workosky as summarized in finding of fact 6, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. The Board notes that project area is located adjacent to the existing Transit Center.

The pedestrian and bicycle network proposed on this Final Development Plan (FDP) conforms with the Neighborhood Concept Plan and the Bicycle and Pedestrian Circulation Plan in the Downtown Columbia Plan, providing the initial components of a downtown-wide network. New sidewalks will be built where sidewalks do not currently exist, and primary pedestrian streets will be created adjacent to street-level retail to help establish an active pedestrian environment and encourage walking. Bicycle lanes and sharrows, which provide joint auto and bicycle use, are proposed with this FDP. The Howard Transit routes serving Downtown (Brown, Green, Gold, Orange, Red, Silver, and Yellow) and the existing transit center transfer point is located across the Mall Ring Road from this site, creating a convenient opportunity for transit use.

g. While there are no lakes, streams or rivers, floodplains or steep slopes on the subject property, the sidewalks proposed for the subject area on the Neighborhood Concept Plan and Final

Development Plan will connect to existing and planned open space based on the testimony of Mr. Trappen as summarized in finding of fact 5, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

h. The Final Development Plan, FDP-DC-Warfield-1, project area is approximately 12.82 acres. The area of the proposed .79 acres of Downtown Community Commons, the 28,500 SF Warfield section of the west promenade and the 6,000 SF Warfield Playground, meets and exceeds the required 5% of Downtown Community Commons area to be proposed with each Final Development Plan based on the testimony of Mr. Trappen, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

i. The Final Development Plan is in harmony with existing and planned vicinal land uses based on the testimony of Ms. Bedwell as summarized in finding of fact 4, petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. In particular, the Board makes the findings below with regard to this criterion:

The Final Development Plan (FDP) proposes mixed-use development on Parcels C and D, and relocating the overflow parking existing on Parcel C to Lot 39. Parcels C and D are immediately surrounded by surface parking serving the mall, Broken Land Parkway, and surface and structured parking facilities serving the office uses fronting Little Patuxent Parkway. Vicinal uses on the far side of Broken Land Parkway consist of 3 and 4 story multi-family residential and townhouse development. Vicinal uses to Lot 39 are the Mall Ring Road, surface parking facilities serving the mall, as well as surface parking for office and multi-family uses.

The FDP proposes development of Parcels C and D for residential uses with street level retail. The maximum building height will be 7 stories high, in accordance with the Downtown Columbia Plan. The proposed uses are in harmony with the vicinal multi-family and

townhouse residential uses, and are separated by Broken Land Parkway, which also serves as a buffer and assures a harmonious relationship with the proposed uses. The proposed uses are also in harmony with the existing adjacent parking facilities, which in the case of the Mall parking are also recommended to be replaced by future mixed-use development. The extension of surface parking to Lot 39 is also harmonious with the adjacent existing surface parking facilities.

j. The development proposed by the Final Development Plan will be served by Adequate Public Facilities for schools and the road network, including mitigation and development staging based on the testimony of Mr. Workosky as summarized in finding of fact 6, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

k. There are no environmental features existing within the project area and none are to be disturbed by the development proposed by this Final Development Plan based on the testimony of Mr. Streb as summarized in finding of fact 2, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. The Board notes in accordance with CEPPA #7, the Howard Hughes Corporation will submit a phasing schedule for environmental restoration on Howard Hughes Corporation Property along with a site development plan for the first phase of the restoration prior to the submission of the first Site Development Plan for Downtown Revitalization.

l. The development proposed by the Final Development Plan does not impact any historic or culturally significant existing sites, buildings or structures, or public art.

m. The Petitioner will either incorporate art in the community equivalent in value to 1% of the building construction costs or will pay a fee-in-lieu as required in Section 125.A.9.f.2 of the Zoning Regulations as noted on sheet 3 of the Plan, and this will be further determined at the Site Development Plan stage of the process based on the testimony of Mr. Trappen, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing. The Neighborhood

Design Guidelines suggest incorporating art within the playground or amenity area, and these possibilities may be explored at that time.

n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common quasi-public amenity use and public art that is not publically owned through a reciprocal agreement dated December 1, 1970 and recorded as Liber 552, Folio 380 based on the testimony of Mr. Jenkins as summarized in finding of fact 7, Petitioner's exhibits and DPZ's Technical Staff Report, all of which the Board finds convincing.

Property within the FDP area that is intended for common, quasi-public amenity use will be held, owned and maintained subject to this reciprocal easement agreement granting pedestrian and vehicular access and ingress/egress rights between the FDP area and adjacent public thoroughfares, including sidewalks and walkways, as well as use of all common areas for their intended purpose. Each property owner will be required to share in the maintenance expenses of such spaces pursuant to the reciprocal easement agreement. Such maintenance responsibilities may ultimately be assumed by a Downtown Partnership, the County, or other organization.

o. The note which has been added to the FDP regarding membership to the Downtown Partnership according to the formula for calculating the payment of annual charges will better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, and will provide a consistent means of calculating and providing the required annual charges.

CONCLUSIONS OF LAW

The Petitioner has satisfied all of the criteria for the consideration of Final Development Plan petitions to be considered by the Planning Board in accordance with Section 125.E.4 of the Howard County Zoning Regulations based on the Board's findings of fact provided above and as outlined in the Technical Staff Report of the Department of Planning and Zoning. Therefore, in accordance with the testimony given and

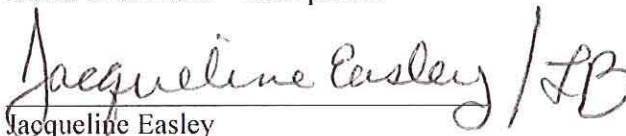
evidence in the record and based on the Findings of Facts and Conclusions of Law for Planning Board Case No. 392, the petition of the Howard Hughes Corporation for approval of Warfield Neighborhood Design Guidelines, the Warfield Neighborhood Implementation Plan, the Warfield Neighborhood Concept Plan, and Final Development Plan FDP-DC-Warfield-1 is this 24 day of may, 2012, **APPROVED** by the Planning Board of Howard County, subject to the following conditions:

1. The petitioners must adequately address all remaining technical comments provided by the Subdivision Review Committee in the letter dated February 27, 2012.

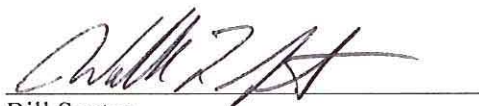
HOWARD COUNTY PLANNING BOARD



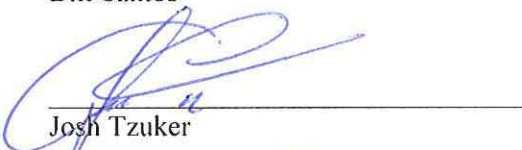
David Grabowski – Chairperson

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Jacqueline Easley



Bill Santos

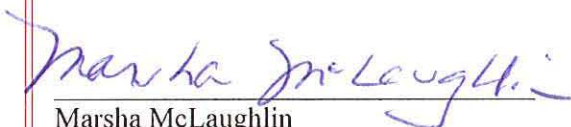


Josh Tzucker



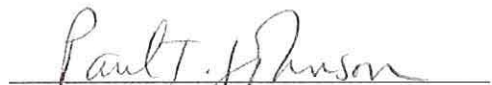
Paul Yelder

ATTEST:



Marsha McLaughlin
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN, COUNTY SOLICITOR



Paul T. Johnson
Deputy County Solicitor

Attachment 1

LIST OF PETITIONER'S EXHIBITS

**PB-392 (FDP-DC-Warfield-1), Downtown Columbia, Warfield Neighborhood,
Phase 1, Parcels C and D**

1. Certification of Posting Letter
2. Certification of Newspaper Ad
3. Howard Hughes Corporation Response Letter to SRC and PB Criteria Comments
4. Resume for Christopher Streb, Environmental Consultant, Biohabitats
5. Resume for Cecily Bedwell, Senior Associate, Design Collective
6. Howard Hughes Corporation PowerPoint Preservation Illustrations
7. Warfield Neighborhood Implementation Plan
8. Warfield Neighborhood Design Guidelines
9. Urban Design, Comparison between Warfield Neighborhood NCP, NDG, and NID and Downtown Columbia Plan Street and Block Plan
10. Building Height Plan – Comparison between Warfield Neighborhood NCP, NDG, and NID and Downtown Columbia Plan Maximum Building Height Plan
11. Bicycle Circulation Plan – Comparison between Warfield Neighborhood NCP, NDG, and NID and Downtown Columbia Plan Bicycle and Pedestrian Circulation Plan
12. Pedestrian Circulation Plan – Comparison between Warfield Neighborhood NCP, NDG, and NID and Downtown Columbia Plan Bicycle and Pedestrian Circulation Plan
13. Amenity Space Plan – Comparison between Warfield Neighborhood NCP, NDG, and NID and Downtown Columbia Plan Primary Amenity Space Framework Diagram
14. Resume for Mike Trappen, Professional Engineer, Associate, Gutschick, Little and Weber
15. APFO Allocation Letter from Jeff Bronow, DPZ
16. Resume for Michael Workosky, Traffic Consultant, Wells + Associates
17. Errata Sheet for Warfield Traffic Impact Study, Well + Associates

18. Street Types Plan –Warfield FDP
19. Street Network Plan –Warfield FDP
20. FDP Plan Exhibit, Plan Area for Parcels C-1, C-2, C-3, D-1, D-2, D-3 and D-4
21. FDP Exhibit, Plan Area for Lot 39
22. FDP Plan Exhibit, Parcels C and D
23. Downtown Columbia Neighborhood Plan

LIST OF PROTESTANT'S EXHIBITS

1. Letter from Town Center Community Association